IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

NICOLE CHILDRESS,	)	
	)	
Plaintiff,	)	Case No.: ______________
	)	
vs.	)	
	)	Circuit Court of St. Louis County
WALGREEN CO., d/b/a WALGREENS	)	Case No.: 16SL-CC04711
	)	
Defendant.	)	

NOTICE OF REMOVAL

COMES NOW Defendant Walgreen Co., and, pursuant to 28 U.S.C. 1441 and 1446, files this Notice of Removal to the United States District Court for the Eastern District of Missouri, Eastern Division. In support of removal to this Court, Defendant states as follows:

1. This is a civil action that was originally filed on or about December 22, 2016, in the Circuit Court of St. Louis County, Missouri, bearing Case Number 16SL-CC04711. In that action, Plaintiff Nicole Childress seeks to recover from Defendant money damages for bodily injuries allegedly suffered by Plaintiff as a result of a slip and fall.

2. This Court has original jurisdiction over that action under 28 U.S.C. 1332(a), and it is removable to this Court pursuant to 28 U.S.C. 1441.

3. Plaintiff is a resident and citizen of the State of Missouri, and was so when she filed the Petition and she ever since has been.

4. Defendant was, at the time the Petition was filed, and is now incorporated in the State of Illinois, with its principal place of business in the State of Illinois, and is a citizen and resident of the State of Illinois.

5. Therefore, the action is between parties of diverse citizenship.

6. Plaintiff's Petition does not plead a specific dollar amount for damages other than to allege that damages relating to bodily injury is expected to exceed $25,000. The extent of the claimed damages are set forth in Paragraphs 9 and 10 of Plaintiff's Petition. Additionally, Plaintiff made a settlement demand to Defendant for this matter in the amount of $503,000 in correspondence dated September 22, 2015, which also discusses the nature of her injuries, medical treatment and expenses and lost wages. A copy of said demand letter is attached hereto as Defendant's Exhibit A. Finally, on November 16, 2016, counsel for Plaintiff made a verbal demand to Walgreen Co. for $400,000. This establishes, by a preponderance of the evidence, that the matter in controversy, exclusive of interest and costs, exceeds the sum of $75,000.

7. Defendant was served with Plaintiff's Petition on January 17, 2017, therefore this Notice of Removal is being timely filed. *See* 28 U.S.C. 1446(b)(1).

8. Because complete diversity of citizenship exists between Plaintiff and Defendant and the amount in controversy exceeds $75,000, removal to this Court is proper pursuant to 28 U.S.C. § 1332 and 28 U.S.C. 1441.

9. Defendant, simultaneously with the filing of this removal, has given written notice of the filing of this Notice of Removal to Plaintiff, and will file a copy of the Notice of Removal with the Clerk of the Circuit Court of St. Louis County, Missouri.

10. All process, pleadings, and Orders that were filed in the state court action are attached to this Notice of Removal as Defendant's "Exhibit B".

WHEREFORE, Defendant Walgreen Co., requests that the above-referenced state court action be removed from the Circuit Court of St. Louis County, Missouri to this Court, and that the Court accept jurisdiction of the case.

/s/ David P. Ellington

David P. Ellington #36109MO
BROWN & JAMES, P.C.
800 Market Street, Suite 1100
St. Louis, Missouri 63101-2501
(314) 421-3400
(314) 421-3128 – Fax
dellington@bjpc.com

Attorneys for Defendant Walgreen Co.

CERTIFICATE OF SERVICE

I hereby certify that on **February 9, 2017**, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following: Mr. Christopher A. Allen, Ms. Julia W. Cammack, Goldblatt & Singer, Attorneys for Plaintiff, 8182 Maryland Avenue, Suite 801, Clayton, Missouri 63105.

/s/ David P. Ellington

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